

**FILED**

**NOT FOR PUBLICATION**

NOV 12 2009

**UNITED STATES COURT OF APPEALS**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR THE NINTH CIRCUIT**

**UNITED STATES OF AMERICA,**

Plaintiff - Appellant,

v.

**COMPREHENSIVE DRUG TESTING,  
INC.,**

Defendant - Appellee.

No. 05-10067

D.C. No. MISC-04-234-SI

**ORDER**

**MAJOR LEAGUE BASEBALL  
PLAYERS ASSOCIATION,**

Petitioner - Appellee,

v.

**UNITED STATES OF AMERICA,**

Respondent - Appellant.

No. 05-15006

D.C. No. CV-04-00707-JCM

**IN RE: SEARCH WARRANTS  
EXECUTED ON APRIL 8, 2004 AT  
CDT, INC.,**

In Re

No. 05-55354

D.C. No. CV-04-02887-FMC

**SEAL 1,**

Plaintiff - Appellant,

v.

**SEAL 2,**

Defendant - Appellee.

**KOZINSKI**, Chief Judge:

The government has moved to further stay the mandate “through the disposition of [this court’s] consideration whether to grant en banc review and its en banc consideration of the case or, if [this court] denies en banc review, through the expiration of the time for filing a petition for a writ of certiorari, or, if a petition is filed, the disposition of such a petition for a writ of certiorari.” Quite a mouthful, and wholly unnecessary. I have already stayed the mandate through the time for filing a timely petition for certiorari. What qualifies as timely is between the government and a higher authority. See Sup. Ct. R. 13.

**DENIED.**